

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS a State of Emergency has been proclaimed to exist in California due to a vast tree die-off throughout the state, which increased the risk of wildfires; and

WHEREAS this tree die-off has contributed to worsening forest conditions, creating extremely dangerous fire risk; and

WHEREAS California experienced the deadliest and most destructive wildfires in its history in 2017 and 2018, devastating areas throughout California, and in particular Wildland Urban Interface areas; and

WHEREAS there are an estimated 2.2 million housing units in the Wildland Urban Interface, and the majority of these structures reside in high or very high fire hazard severity zones and immediate action is needed to prevent similar wildfires in the imminent future; and

WHEREAS because of these conditions, I issued Executive Order N-05-19, directing the Department of Forestry and Fire Protection to determine which communities are at greatest risk of wildfire based on best available science and socioeconomic factors and to identify projects that would reduce the risk of catastrophic wildfire if completed, and pursuant to that order the Department of Forestry and Fire Protection has issued a report (the "Report"); and

WHEREAS the project list in the Report was generated using locally developed and vetted fire plans prepared by Department of Forestry and Fire Protection units and identifying priority fuel reduction projects that can be implemented right now to protect communities vulnerable to wildfire. The Department of Forestry and Fire Protection then considered socioeconomic characteristics of the communities that would be protected, including data on poverty levels, residents with disabilities, language barriers, residents over 65 or under five years of age, and households without a car; and

WHEREAS using this methodology the Department of Forestry and Fire Protection identified 35 priority projects that collectively cover approximately 90,000 acres and when complete will help reduce the wildfire risk for over 200 communities; and

WHEREAS the Department of Forestry and Fire Protection must immediately, without delay, implement these projects, which are necessary to protect the lives and property of Californians; and

WHEREAS certain statutory, regulatory, and administrative requirements, including, but not limited to, studies, publication periods, and season-specific surveys, will significantly impede the Department of Forestry and Fire Protection's ability to immediately implement these necessary projects to protect the lives and property of Californians; and

WHEREAS the circumstances of the catastrophic wildfire risks created by forest conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provision of Government Code section 8625, I find that local authorities lack the resources needed to cope with the emergency; and

WHEREAS under the provisions of Government Code section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist within the State of California due to these conditions; and

WHEREAS under the provision of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the emergency in California.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, including the California Emergency Services Act, and in particular Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY**, to exist within the State of California.

IT IS HEREBY ORDERED THAT:

1. The Department of Forestry and Fire Protection shall immediately, without delay, begin to implement the fuel reduction projects identified using the methodology in the Report, to protect the lives, health, property, and natural resources of the State of California. The Department of Forestry and Fire Protection shall work collaboratively with the California National Guard, where designated, to assist in carrying out the priority fuels reduction projects.
2. In order to ensure that the equipment and services necessary to achieve the directives, including housing for fuels crews, can be procured quickly, the provisions of the Government Code and Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended as necessary to carry out this Proclamation. Review and approval of contract costs is required by the Department of Finance prior to the execution of any contract entered into pursuant to this directive.
3. For purposes of this Proclamation, Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code is suspended as necessary for the development and adoption of regulations or guidelines needed to carry out the directives in this Proclamation.
4. State statutes, rules, regulations, and requirements are hereby suspended to the extent they apply to the priority fuels reduction projects, are necessary to undertake the projects within this calendar year, and are subject to the jurisdiction of agencies within the California Environmental Protection Agency and the California Natural Resources Agency. Additionally, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended for the priority fuels reduction projects that begin this calendar year. This suspension of

statutes, rules, regulations, and requirements applies only where the Department of Forestry and Fire Protection first requests that the appropriate Agency Secretary, or his delegate, make a determination that the proposed activities are eligible to be conducted under this suspension and will take protection of the environment into account while ensuring timely implementation. The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall use sound discretion in applying this Emergency Proclamation to ensure that the suspension ensures the purpose of completing the priority fuels reduction projects in a timely manner, while at the same time protecting public health and the environment.

5. Any individual who holds a timber operator license is hereby authorized to perform tree removal that would otherwise require a tree service contractor's license with the C-61/D-49 classification, where such removal is performed in connection with the priority fuel reduction projects referred to in paragraph 1. The provisions of the Business and Professions Code and the California Code of Regulations requiring licensure for this tree removal are hereby suspended as to individuals who hold a valid timber operator license. Any individual who holds a tree service contractor's license with the C-61/D-49 classification is hereby authorized to perform timber operations that would otherwise require a timber operator license, where such removal is performed in connection with the priority fuel reduction projects referred to in paragraph 1. In order to perform such services, a tree service contractor must maintain the insurance coverage in the form and amount specified in Public Resources Code section 4572(c) prior to the conduct of timber operations, shall maintain the insurance coverage throughout the conduct of timber operations, and shall comply with all operational provisions of the Forest Practice Act and Rules applicable to the timber operations. The provisions of the Forest Practice Act and the applicable Rules requiring licensure for these timber operations are hereby suspended as to individuals who hold a valid tree service contractor's license.
6. Any state-owned properties that the Office of Emergency Services determines are suitable for temporary sheltering of fuel crews completing the priority fuels reduction projects shall be made available to the Office of Emergency Services for this purpose.
7. In undertaking the projects identified in paragraph 1, the Department of Forestry and Fire Protection shall conduct appropriate public outreach and shall maintain on its website regular updates on the status of those projects' implementation, including any regulatory suspensions obtained pursuant to paragraph 4.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereby possible, this Proclamation be filed in the Office of the Secretary of the State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 22nd day of March 2019.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State